

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

V.

4:06CR00088 JMM

4:07CV00688 JMM

RODNEY M. CRISWELL

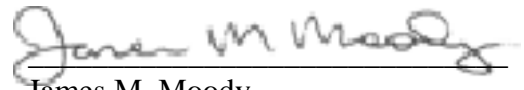
ORDER

Pending are Petitioner's Motions to reconsider the Court's denial of his § 2255 petition. The United States has responded to the Motion. Pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings and *Roney v. U.S.*, 205 F.3d 1061 (8th Cir. 2000), the Court finds that Petitioner's Motions to Reconsider should be GRANTED.

Ms. Kim Driggers of the Federal Public Defenders Office is appointed to represent the Defendant at the hearing on the issue of whether his attorney, Blake Hendrix, refused to file an appeal when directed to do so by the Defendant. If the Court finds that the Defendant did request that Mr. Hendrix file an appeal and Hendrix failed to do so, the Court will vacate the current sentence and immediately proceed with a new sentencing hearing for the Defendant. In the event that the current sentence is vacated, the appointment of Ms. Driggers will be extended for the resentencing. Therefore, she should be prepared for such a resentencing at the conclusion of the evidentiary hearing. Ms. Driggers is directed to let the Courtroom Deputy know when she has had an opportunity to talk to the Defendant and review the record so that a hearing can be scheduled.

In conclusion, Petitioner's Motions to Reconsider (Docket # 105 and 110) are GRANTED. The Clerk is directed to provide a copy of this Order to the Petitioner.

IT IS SO ORDERED this 3rd day of October 2008.

A handwritten signature in cursive script, reading "James M. Moody", written in dark ink.

James M. Moody
United States District Judge